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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,974	02/18/2004	Irene Babudri	2110-104-3	1037

7590                  04/03/2006

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EXAMINER

MOAZZAMI, NASSER G

ART UNIT

PAPER NUMBER

2187

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/781,974	BABUDRI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Nasser G. Moazzami	2187	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 3.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,4 and 6-20 is/are rejected.
- 7) Claim(s) 3 and 5 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 06/03/2006
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Information Disclosure Statement***

1. Information Disclosure Statement submitted by applicant on 06/03/2004 has been considered. See attached PTO-1449.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4, 6-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US Patent No. 5,930,826) in view of Applicant Admitted Prior Art (AAPA).

As per claims 1-2, Lee discloses a memory comprising: at least one data storage area comprising a plurality of data storage locations; an access circuitry for accessing the data storage locations for retrieving or altering a data content thereof; and at least one first user-configurable flag element and a second user-configurable flag element associated with said storage area, the first and second flag elements being used to define a protected state of the data storage area against alteration of the content of the data storage locations thereof, the protected state defined by the at least one first flag element being user-removable [memory array 10 is divided into a plurality of

**sectors 80, the protection information of each memory sector is stored in the protection bit array 11 which comprises ERS-bit, PGM-bit and RD-bit for indicating the protection states, when a program is requested, the protection bit is checked, and user determine if a sector should be protected (column 1, line 39 through column 4, line 48)].**

Lee discloses the claimed invention, but fails to specifically teach that the protected state defined by the second flag element being permanent and non-removable.

AAPA teaches a flash memory having a one time programmable protection register which once is programmed, it can not be reprogrammed [page 1, paragraph 7].

Accordingly, it would have been obvious to one having ordinary skill in the art at the time of the current invention to use the concepts of one time programmable register as being taught by AAPA into Lee's memory array in order to provide fraud protection and increasing the security of the device.

As for claim 4, Lee teaches that the at least one first flag element comprises a non-volatile programmable and erasable storage element, and the second flag element comprises a one-time programmable non-volatile storage element [flash memory].

As for claims 6-7, Lee discloses that said at least one storage area comprises at least two storage areas, and in which for each of said at least two storage areas a

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respective first and second user-configurable flag elements are provided [**sectors 80 and protection bit array**].

As for claim 8, Lee discloses means for conditioning the configuring of said first and second flag elements by the user on the recognition of the user by the memory [**user determine if a sector should be protected**].

As for claims 9-20, claims 9-20 encompass the same scope of the invention as those of claims 1-2, 4, and 6-8. Therefore, claims 9-20 are rejected for the same reasons as stated above with respect to claims 1-2, 4, and 6-8.

#### ***Allowable Subject Matter***

4. Claims 3, and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser G. Moazzami whose telephone number is (571) 272-4195. The examiner can normally be reached on 7:00AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on (571) 272-4201. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



NASSER MOAZZAMI  
PRIMARY EXAMINER

03/29/2006